

CIVIL CASE NO. 3:08cv040

ORDER OF DISMISSAL

On February 1, 2008, a Complaint for Declaratory Judgment was filed naming as Plaintiffs the National Association of Advocates for Prisoner Rights & Concerns (“NAAPRC”), Royal Lee Berry, Carlos Rodriquez Hall, Byron Franklin McIntosh, and Lee J. Blount. The Complaint is signed by Phillip J. Taylor, the Executive Director and Chief

Investigator of the NAAPRC. The Complaint was accompanied by an application to proceed without prepayment of fees, which was also filed by Mr. Taylor in his capacity of the Executive Director of the NAAPRC.

Mr. Taylor is not a lawyer licensed or otherwise authorized to practice law before this Court or in the State of North Carolina. A non-lawyer may not appear on behalf of any other parties, other than himself, in a judicial action or proceeding. N.C. Gen. Stat. § 84-4 (2000). In the present case, Mr. Taylor has not filed this action on behalf of himself but rather purports to file it on behalf of the NAAPRC, which he alleges to be a 501(c)(3) organization. It is well-established that a corporate organization may appear in federal court only through licensed counsel. See Microsoft Corp. v. Computer Serv. & Repairs, Inc., 312 F. Supp. 2d 779, 782 (E.D.N.C. 2004) (“a corporation may not appear *pro se*”). Thus, as a non-lawyer, Mr. Taylor may not file this action on behalf of the NAAPRC.

Mr. Taylor also purports to file the Complaint on behalf of four other individuals: Royal Lee Berry, Carlos Rodriguez Hall, Byron Franklin McIntosh, and Lee J. Blount. While each of these individuals is free to represent himself in a legal proceeding, Mr. Taylor is not a lawyer and

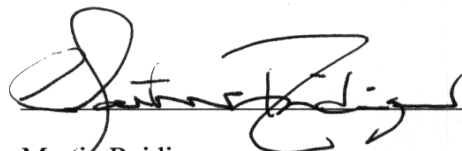
therefore may not represent any of these individuals or file pleadings on their behalf.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Complaint for Declaratory Judgment is **STRICKEN**, and this case is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Application to Proceed Without Prepayment of Fees is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk is directed to forward a copy of the Complaint filed in this action along with a copy of this Order to the State Bar of North Carolina for it to undertake such action as it deems fit regarding Mr. Taylor's unauthorized practice of law.

Signed: February 4, 2008


Martin Reidinger
United States District Judge

